

REMARKS

Claims 1, 3-14 and 16-38 are presented for reconsideration. Claims 10 and 29 have been amended to correct informal matters. Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1 and 10-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. The rejection is respectfully traversed.

Claim 1 relates to a method for dispensing image bearing products through a network of connected kiosks. A user may input an image at a first kiosk that is convenient to her location, and access to that image is provided at any one of the networked kiosks for retrieval. In that way, the retrieved image can be generated at a kiosk remote from the first kiosk, if the remote kiosk is more convenient at time of retrieval.

An important aspect of the invention defined by Claim 1 is that retrieval access be at a kiosk, as opposed to retrieval at, say, home computers. Not everyone has a home computer, and those that do have one are likely to have inferior home printers. On the other hand, kiosks are equipped with photographic quality dye sublimation printers, AgX printers, or commercial ink jet printers. They are professionally maintained, and often offer cost savings over prints made on consumer equipment. To be restricted to retrieval via a home computer would be a serious limitation to many consumers.

The object of Meyer et al. is to provide a system for clearing a camera's low capacity memory at a location remote from the user's personal computer. Meyer et al. comment on how inconvenient it would be to "lug" around even a notebook computer, and they note that high-capacity memory is expensive. While the cost of high-capacity memory has recently decreased drastically, this was not the case at the time of the present invention.

Because Meyer et al. were primarily concerned with uploading images from a camera to clear its memory when the user does not have access to her home computer, it can immediately be observed that there is no disclosure of "a plurality of network connected kiosks having image input and product output capability." Of course, this is a requirement of any reference to anticipate Claim 1, as it is a quote from paragraph (a) of that claim. To explain, Meyer et al. disclose a fee-based storage upload at a first site via either the camera's

communication interface or by a transaction machine. The images may be sent via the internet to an on-line service provider for photo sharing with others.

As such, there is no disclosure in Meyer et al. of an input kiosk that has product output capability as set forth in paragraph (a) of claim 1. The only disclosures of output from the printer at the image input site refer to the printing of a receipt at 118 (see paragraphs [0021] and [0030]) and the printing of thumbnails by printer 306 (see paragraph [0031]).

Although one might argue that receipts and thumbnails may be considered to be products, that argument would certainly be strained considering the 63 times that the term “product” is used in the Specification of the present application. For example, the Specification sets forth that a “person located in California (i.e., a user U or first consumer) can use a kiosk to send an image bearing product (i.e., the 8x10 photograph) to a recipient R (i.e., the cousin; a second consumer) located remotely (i.e., in New York).” It goes on to note other options that “may include other photo products such as a tee shirt, mug, calendar, puzzle, photo CD, mouse pad, book bag, album page, and cake decoration.” It would be unreasonable to think of a receipt or a thumbnail as the product being referred to in Claim 1 paragraph (a).

Assuming *arguendo* that Meyer et al. do disclose an input kiosk that has product output capability, Meyer et al. certainly do not disclose a plurality of network connected kiosks, much less that an image bearing product can be retrieved from any one of such a plurality of kiosks. Certainly images sent via the internet to Meyer et al.’s on-line service provider could be accessed by any computer connected to the internet. However, interconnecting a plurality of computers via the internet is not the same thing as providing a plurality of internet connected kiosks. As explained above, receiving electronic images on a home computer for rendering on a consumer printer is not the same thing as accessing the images at a commercial kiosk. A kiosk delivery system provides access to image bearing products by persons without home computers, and the quality of such image bearing products is without a doubt substantially greater than that would could have been produced by home printers at the time of the invention.

Accordingly, Meyer et al. are not believed to anticipate or make obvious the features of Claim 1.

Claims 10-13 depend either directly or indirectly from Claim 1 and

set forth further unique features of the present invention, which are also not shown or suggested in Meyer et al.

Regarding Claim 10, Meyer et al. do not disclose a home computer as "the one of the plurality of networked connected kiosks" as required by Claim 10. The Examiner is reminded that "the one of the plurality of networked connected kiosks" is in fact the kiosk at which the image is inputted, and Meyer et al. is specifically concerned with the problem of clearing a camera's low capacity memory at a location remote from the user's personal computer. Thus, Meyer et al. teaches away from using a home computer as the image input device. "[A] reference must have been considered in its entirety, for disclosures which taught away from the invention as well as disclosures which directed one skilled in the art towards the claimed subject matter." *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.* 227 USPQ 657,666 (Fed. Cir., 1985).

Claim 11 re-emphasizes the requirement for a plurality of network connected kiosks; not disclosed by Meyer et al.

Claim 14 relates to a method of dispensing image bearing products and, like Claim 1, requires both an input kiosk that has product output capability and a plurality of network connected kiosks such that image bearing product can be retrieved from any one of the plurality of kiosks. Meyer et al. disclose neither of these features.

Claims 3-7 and 9 depend either directly or indirectly from Claim 1 and are patentable therewith.

Claims 16-25 depend either directly or indirectly from Claim 14 and are patentable therewith.

Claim 26 relates to a method of dispensing image bearing products and, like Claims 1 and 14, requires both an input kiosk that has product output capability and a plurality of network connected kiosks such that image bearing product can be retrieved from any one of the plurality of kiosks. Neither Meyer et al. nor Redd et al. disclose either of these features.

Claims 27-31 depend either directly or indirectly from Claim 14 and are patentable therewith.

Claim 32 relates to a method of dispensing image bearing products and, like Claims 1, 14, and 26, requires both an input kiosk that has product output capability and a plurality of network connected kiosks such that image

bearing product can be retrieved from any one of the plurality of kiosks. Neither Meyer et al. nor Redd et al. disclose either of these features.

Claims 33-38 depend either directly or indirectly from Claim 14 and are patentable therewith.

Claim 8 depends directly from Claim 1 and is patentable therewith.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,



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